

During the evidentiary hearing on February 20, 2019, the Court allowed the State to complete translations of interviews in this matter that were completed in Spanish and provide those transcripts to the Court for consideration as it evaluates the State's request to present other acts evidence. *See* Hearing Transcript at pp. 14-18, 119-124. The State completed the transcripts and provided them to counsel for the Defendant. The State has not received any objections or assertions that the translations are not accurate.

1 Excepting two transcripts that are offered under seal pursuant to Section 12.3
2 of the Protective Order entered in this case, attached hereto are the following
3 proposed Exhibits:¹

- 4 a. Transcript of Defendant's interview, State's disclosure pp. 125-168,
5 submitted as State's **Proposed Exhibit 8**;
- 6 b. Transcripts of three interviews of Francisca Carrillo, State's disclosure
7 pp. 88-124, 291-332, and 333-361, submitted as State's **proposed**
8 **Exhibits 9, 10, and 11**;
- 9 c. Transcript of the Forensic Interview of E.G., State's disclosure pp. 179-
10 212, submitted *under seal* as State's **proposed Exhibit 12**;
- 11 d. Transcript of the Forensic Interview of Y.G., State's disclosure pp. 213-
12 261, submitted *under seal* as State's **proposed Exhibit 13**; and
- 13 e. Transcript of Olivia Joy, submitted as State's **proposed Exhibit 14**.

14 These transcripts are properly considered at this stage of the proceedings,² and
15 there is no prejudice to Defendant, who has had the audio of these recordings since
16 August 2018 at the latest, and has had the transcripts for several weeks or months.
17 The State asks that the Court accept and enter all proposed Exhibits, and consider the
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19 1 The numbering of the Exhibits is a continuation of the Exhibits that the State
20 offered at the February 20, 2019 Other Acts Evidentiary Hearing. The Court admitted
21 State's offered Exhibits 1-7 during the hearing, so the Exhibits proposed herein begin
22 at State's Exhibit 8.

23 2 See *State v. James*, 242 Ariz. 126, 132, 393 P.3d 467, 473 (Ct. App. 2017), *review*
24 *denied* (Sept. 12, 2017) (upholding finding of admissibility of other acts evidence
25 despite absence of live testimony, observing that "[t]he court read a transcript of
26 T.H.'s forensic interview and a transcript of the confrontation call between T.H. and
27 James."). In addition to recorded statement, this Court may also consider police
28 reports. See *State v. Gehon*, 2017 WL 6459764, at *5 (Ariz. Ct. App. Dec. 19, 2017)
("Contrary to Gehon's argument, the governing rules and relevant case law neither
require live testimony nor categorically restrict the types of evidence a trial court may
consider in determining the admissibility of other-act evidence."). The *Gehon* opinion
may be accessed by this court via the following hyperlink:
<https://www.casemine.com/judgement/us/5a4cd92aadd7b061690da3f6>.

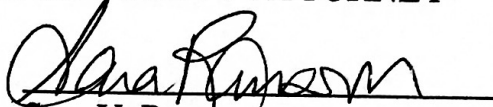
1 information contained therein in evaluating the State's request to present other acts
2 pursuant to Rule 404(b) and (c), Arizona Rules of Evidence.
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4 A proposed form of Order is submitted herewith.

5 RESPECTFULLY SUBMITTED this 31st day of May, 2019.

6 COCHISE COUNTY ATTORNEY

7 BY:

8 
Sara V. Ransom

9 Deputy County Attorney

10 ORIGINAL Notice filed this 31st day of May, 2019 with the Clerk of the Cochise
11 County Superior Court.

12 Copies mailed/delivered this 31st day of May, 2019, to:

13 Judge Laura Cardinal
14 Division 1, Cochise County Superior Court
Bisbee, AZ 85604

15 Xochitl Orozco, Esq.
16 Cochise County Office of the Legal Advocate
Counsel for Defendant
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